

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**April 28, 1998**

**DIVISION TWO**

Court convened at 9:15 A.M.

Present: Boren, P.J., Fukuto, J., Nott, J., Zebrowski, J., and G. Villanueva, Deputy Clerk.

Each of the following:

B111743 People v. Johnico  
B112053 People v. Hernandez  
B110825 People v. Fowler  
B110233 People v. Dulaney  
B113083 People v. Montalbo  
B111239 People v. Castellanos & McCoy  
B113278 People v. Hernandez  
B111924 People v. Jones  
B114378 People v. Henderson  
B102612 People v. Melendez & Rodriguez  
B113682 People v. Mendoza  
B102554 People v. Castaneda  
B119105 Cecil R. v. Superior Court  
B119658 Entertainment Transportation v. Superior Court  
B119248 Yamona A. v. Superior Court  
B106142 Matter of Minors L.  
B110109 People v. Edmond  
B112648 People v. Kelli  
B111290 People v. Centeno  
B114222 People v. Batiste  
B111839 People v. Perez  
B112537 Quinn v. Cafe on Location  
B108356 People v. Hernandez

Argument waived, cause submitted.

DIVISION TWO (Continued)

B109251     People  
              v.  
              Medrano

Merits:

Argued by William Kopeny for appellant and by Theresa Cochrane, Deputy Attorney General for respondent. Cause submitted.

B110863     Pritchett  
              v.  
              Paramount Pictures

Merits:

Argued by Cheryl Podbielski for appellant and by Clay Robbins, III for respondent. Cause submitted.

B108127     Wolfe  
              v.  
              City of Paramount  
              (Casa Gamino Restaurant, r.p.i.)

Merits:

Argued by Pamela Bertz for appellant and by Allen Thomas for respondent and by James Randall for respondent. Cause submitted.

B112034     Roddenberry, Eileen  
              v.  
              Roddenberry, Majel

Merits:

Argued by David Nelsen for appellant and by Thomas McMahon for respondent. Cause submitted.

DIVISION TWO (Continued)

B099860      Community Red Agency  
                 v.  
                 Jackson National Life Insurance

Merits:  
Argued by David Oermann for appellant and by Glenn Watson for respondent. Cause submitted.

Mr. Presiding Justice Boren leaves the bench.

B109106      Tomlin  
                 v.  
                 E.L. Yeager Construction Company  
                 (State of California, r.p.i.)

Merits:  
Argued by Robb Strom for appellant and by Jay Chung for respondent and by Raiyn Bain for respondent. Cause submitted.

B112663      Robison  
                 v.  
                 Starkey  
                 (Standard Motor Products, r.p.i.)

Merits:  
Argued by Todd Gall for appellant and by David Smith for appellant and by Robert Anderson for respondent. Cause submitted.

Court adjourned.

April 28, 1998-Continued

## DIVISION TWO (Continued)

B112945      Johnson      (Not for Publication)

V.  
City of Vernon, et al.

The judgment (order) is reversed, with directions to deny the petition. The city shall recover costs.

Fukuto, J.

We concur:   Boren, P.J.  
                      Nott, J.

B105370 Carillo (Not for Publication)

V.  
Wincup Holdings, Inc.

The judgment is affirmed.

Fukuto, J.

We concur: Boren, P.J.  
Zebrowski, J.

B115921 Venus Laboratories, Inc. (Not for Publication)

V.  
Board of Equalization of the State of California

The judgment is reversed, with directions to enter judgment for the board. The board shall recover costs on appeal.

Fukuto, J.

We concur: Boren, P.J.  
Zebrowski, J.

April 28, 1998-Continued

DIVISION THREE

B108858      People                                  (Not for Publication)  
v.  
Arthur Gonzalez

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.  
Goodman, J. (Assigned)

B106998      People                                  (Not for Publication)  
v.  
James Edward Phillips

The judgment is reversed and the matter remanded for further proceedings pursuant to Penal Code section 1368 to determine Phillips' present competency to stand trial.

Kitching, J.

We concur:   Croskey, Acting P.J.  
                    Goodman, J. (Assigned)

DIVISION FOUR

B108524 People (Not for Publication)  
v.  
Arriola

The Court:

The judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

April 28, 1998-Continued

## DIVISION FOUR (Continued)

[illegible]

The Court:

The judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

B114975 People (Not for Publication)  
v.  
Juan V.

The Court:

The judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

[illegible]

The Court:

The judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

April 28, 1998-Continued

## DIVISION FOUR (Continued)

[illegible]

The Court:

The judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

B111745 People (Not for Publication)  
v.  
Santos

The Court:

The judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

B110774 People (Not for Publication)  
v.  
Pearson

The Court:

The judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

April 28, 1998-Continued

## DIVISION FOUR (Continued)

B107696 People (Not for Publication)

V.

Del Campo

The Court:

The judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

DIVISION FIVE

B113623 People (Certified for Partial Publication)

V.

Edgar Rudd

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.  
Godoy Perez, J.

B116836 Mary M. (Not for Publication)

V.

Superior Court, Los Angeles County  
(Los Angeles County Dept. Children and Family Services, r.p.i.)

The petition for extraordinary writ is denied.

Godoy Perez, J.

We concur:   Turner, P.J.  
                      Grignon, J.



April 28, 1998-Continued

## DIVISION FIVE (Continued)

B118985      Randolph Peters  
v.  
Board of Pension Commissioners

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed January 15, 1998) dismissed.

DIVISION SIX

B111335 Veterans of Foreign Wars, Post 10965, etc. et al.  
v.  
City of El Paso De Robles

Filed order modifying opinion and denying rehearing. (No change in the judgment.)

## DIVISION SEVEN

B101519 People (Not for Publication)  
v.  
Perkins

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.  
Woods, J.

B109945 People (Not for Publication)  
v.  
Santifer

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.  
Woods, J.

April 28, 1998-Continued

DIVISION SEVEN (Continued)

B110023      Edmondson      (Not for Publication)

v.  
Higgins, et al.

The appeal from the April 23, 1996 judgment is dismissed as untimely. The order denying Edmondson's motion to vacate the March 5, 1997 judgment is reversed, and the trial court is directed to enter a new and different order granting the motion and vacating the March 5, 1997 judgment. Each party shall bear its own costs on appeal.

Neal, J.

We concur: Johnson, Acting P.J.  
Woods, J.

B104401 Yardum, et al. (Not for Publication)

V.  
Fidelity National Title Ins. Company

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.  
Woods, J.